



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration Submitted With Initial Filing      **OR**      ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

|                          |                    |
|--------------------------|--------------------|
| Attorney Docket Number   | 31184              |
| First Named Inventor     | Lutgen, Joseph L.  |
| <b>COMPLETE IF KNOWN</b> |                    |
| Application Number       | 10/672,602         |
| Filing Date              | September 26, 2003 |
| Art Unit                 | 3751               |
| Examiner Name            | To be assigned     |

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**NORMALLY HANDHELD INSTRUMENTS ALLOWING NORMAL FINGERTIP ACTIVITY**

*(Title of the Invention)*

the specification of which

☐ is attached hereto

**OR**

☒ was filed on (MM/DD/YYYY) **09/26/2003** as United States Application Number or PCT International

Application Number **10/672,602** and was amended on (MM/DD/YYYY) **N/A** (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Certified Copy Attached? |                          |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  |                          | Yes                      | No                       |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION — Utility or Design Patent Application

|   |  |                             |  |   |  |
|---|--|-----------------------------|--|---|--|
| Direct all correspondence to: <input type="checkbox"/> Customer Number: <input type="text"/>  |  |                             |  | OR <input checked="" type="checkbox"/> Correspondence address below           |  |
| Name<br>William P. Oberhardt, LLC   |  |                             |  |   |  |
| Address<br>2100 Three First National Plaza  |  |                             |  |   |  |
| City<br>Chicago   |  | State<br>Illinois           |  | ZIP<br>60602-4253   |  |
| Country<br>United States of America   |  | Telephone<br>(312) 251-1100 |  | Fax<br>(312) 251-1175   |  |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |  |                             |  |   |  |
| NAME OF SOLE OR FIRST INVENTOR:   |  |                             |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |
| Given Name<br>(first and middle [if any])<br>Joseph L.  |  |                             |  | Family Name<br>or Surname<br>Lutgen   |  |
| Inventor's<br>Signature<br>   |  |                             |  | Date<br>3/1/04  |  |
| Residence: City<br>Centennial   |  | State<br>Colorado           |  | Country<br>U.S.A.   |  |
| Mailing Address<br>6770 Kit Carson Circle East  |  |                             |  |   |  |
| City<br>Centennial  |  | State<br>Colorado           |  | ZIP<br>80122  |  |
| Country<br>U.S.A.   |  |                             |  |   |  |
| NAME OF SECOND INVENTOR:  |  |                             |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |
| Given Name<br>(first and middle [if any])<br>Ralph E.   |  |                             |  | Family Name<br>or Surname<br>Lagergren  |  |
| Inventor's<br>Signature<br>  |  |                             |  | Date<br>March-5-04  |  |
| Residence: City<br>Alma   |  | State<br>Kansas             |  | Country<br>U.S.A.   |  |
| Mailing Address<br>20665 K-99   |  |                             |  |   |  |
| City<br>Alma  |  | State<br>Kansas             |  | ZIP<br>66401  |  |
| Country<br>U.S.A.   |  |                             |  |   |  |
| <input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.  |  |                             |  |   |  |

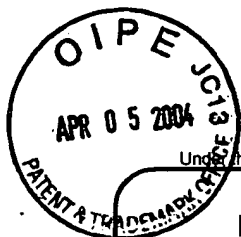
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION****ADDITIONAL INVENTOR(S)**  
Supplemental SheetPage 3 of 3

|   |                    |   |                       |
|---|--------------------|---|-----------------------|
| <b>Name of Additional Joint Inventor, if any:</b> |                    | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                       |
| Given Name (first and middle (if any))            |                    | Family Name or Surname  |                       |
| John E.   |                    | O'Mara  |                       |
| Inventor's Signature <i>John E O'Mara</i>         |                    | Date <i>3/10/04</i>   |                       |
| Residence: City<br>Wichita                        | Kansas<br>State    | U.S.A.<br>Country   | U.S.A.<br>Citizenship |
| Mailing Address<br>768 Custer                     |                    |   |                       |
| Mailing Address                                   |                    |   |                       |
| City<br>Wichita                                   | Kansas<br>State    | 67202<br>Zip  | U.S.A.<br>Country     |
| <b>Name of Additional Joint Inventor, if any:</b> |                    | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                       |
| Given Name (first and middle (if any))            |                    | Family Name or Surname  |                       |
| Eric S.   |                    | Zeitlin   |                       |
| Inventor's Signature <i>Eric S Zeitlin</i>        |                    | Date <i>3/15/04</i>   |                       |
| Residence: City<br>Baldwin                        | New York<br>State  | U.S.A.<br>Country   | U.S.A.<br>Citizenship |
| Mailing Address<br>3059 Grand Avenue              |                    |   |                       |
| Mailing Address                                   |                    |   |                       |
| City<br>Baldwin                                   | New York<br>State  | 11510<br>Zip  | U.S.A.<br>Country     |
| <b>Name of Additional Joint Inventor, if any:</b> |                    | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                       |
| Given Name (first and middle (if any))            |                    | Family Name or Surname  |                       |
| Jason R.  |                    | Richards  |                       |
| Inventor's Signature <i>Jason R Richards</i>      |                    | Date <i>3/17/04</i>   |                       |
| Residence: City<br>West Bend                      | Wisconsin<br>State | U.S.A.<br>Country   | U.S.A.<br>Citizenship |
| Mailing Address<br>723 S. Main St. Apt 108        |                    |   |                       |
| Mailing Address                                   |                    |   |                       |
| City<br>West Bend                                 | Wisconsin<br>State | 53095<br>Zip  | U.S.A.<br>Country     |

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/81 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

|                        |                        |
|------------------------|------------------------|
| Application Number     | 10/672,602             |
| Filing Date            | 09/26/2003             |
| First Named Inventor   | Lutgen, Joseph L.      |
| Title                  | Normally Handheld etc. |
| Art Unit               | 3751                   |
| Examiner Name          | To Be Assigned         |
| Attorney Docket Number | 31184                  |

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

| Name                 | Registration Number |
|----------------------|---------------------|
| William P. Oberhardt | 31,861              |
| Steven R. Trybus     | 32,760              |
|                      |                     |
|                      |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

|   |                                 |       |                |     |       |
|---|---------------------------------|-------|----------------|-----|-------|
| <input checked="" type="checkbox"/> Firm or Individual Name | William P. Oberhardt, LLC       |       |                |     |       |
| Address   | 2100 Three First National Plaza |       |                |     |       |
| Address   |                                 |       |                |     |       |
| City  | Chicago                         | State | Illinois       | Zip | 60602 |
| Country   | United States of America        |       |                |     |       |
| Telephone   | (312) 251-1100                  | Fax   | (312) 251-1175 |     |       |

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

|           |  |  |           |                |
|-----------|--|--|-----------|----------------|
| Name      | CoolPen, L.L.C., by James T. Wilson, its Chief Executive Officer |  |           |                |
| Signature |  |  |           |                |
| Date      | 1 MARCH 24, 2004   |  | Telephone | (630) 416-2027 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: CoolPen, L.L.C., a Texas limited liability companyApplication No./Patent No.: 10/672,602 Filed/Issue Date: September 26, 2003Entitled: NORMALLY HANDHELD INSTRUMENTS ALLOWING NORMAL FINGERTIP ACTIVITYCoolPen, L.L.C., a Texas limited liability company

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:A. [☒] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel N/A, Frame N/A, or for which a copy thereof is attached.**OR**B. [☐] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.[☐] Additional documents in the chain of title are listed on a supplemental sheet.[☒] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

MARCH 24, 2004

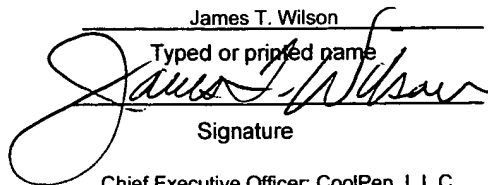
Date

(630) 416-2027

Telephone number

James T. Wilson

Typed or printed name



Signature

Chief Executive Officer, CoolPen, L.L.C.

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT OF APPLICATION

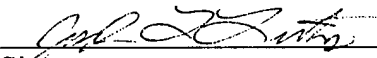
Docket Number: 31184

WHEREAS, we, Joseph L. Lutgen of Centennial, Colorado; Ralph E. Lagergren of Alma, Kansas; John E. O'Mara of Wichita, Kansas; Eric S. Zeitlin of Baldwin, New York; and Jason R. Richards of West Bend, Wisconsin hereafter referred to as applicants, have invented certain new and useful improvements in Normally Handheld Instruments Allowing Normal Fingertip Activity; and

WHEREAS, CoolPen, L.L.C. of Dallas, Texas, hereafter referred to "assignee," whose mailing address is 3311 Oak Lawn Avenue, Suite 250, Dallas, Texas 75219, is desirous of acquiring the entire right, title and interest in the same;

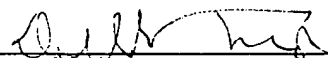
NOW, THEREFORE, in consideration of the sum of ten dollars (\$10.00), the receipt whereof is acknowledged, and other good and valuable consideration, we, the applicants, by these presents, do sell, assign, and transfer unto said assignee the full and exclusive right to the said invention in the United States, and the entire right, title, and interest in and to any and all Patents which may be granted therefore in the United States. We hereby authorize and request the Director of the United States Patent and Trademark Office to issue said United States Patents to said assignee of the entire right, title, and interest in and to the same, for its sole use and benefit, and for the use and benefit of its legal representatives to the full end of the term for which said Patents may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

Executed this 23 day of FEBRUARY, 2004

  
\_\_\_\_\_  
Signature  
Joseph L. Lutgen

State of Colorado )  
 )  
County of Adams )

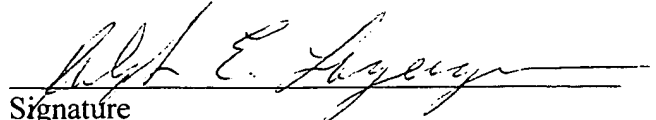
Before me personally appeared said Joseph L. Lutgen  
and acknowledged the foregoing instrument to be his free act and deed this 23 day of  
Feb, 2004.

  
\_\_\_\_\_  
Notary Public

ASSIGNMENT OF APPLICATION (Continued)

Docket Number: 31184

Executed this 10 day of March, 2004

  
Signature  
Ralph E. Lagergren

State of KS )  
County of WB )

Before me personally appeared said Ralph E. Lagergren  
and acknowledged the foregoing instrument to be his free act and deed this 10<sup>th</sup> day of  
March, 2004.

  
Notary Public

Total of 1 form submitted --Page 2 of 5

Diana K. Rubottom  
Notary Public -- State of Kansas  
My Appt. Exp. 2-18-2007

ASSIGNMENT OF APPLICATION (Continued)

Docket Number: 31184

Executed this <sup>12</sup>~~63~~ day of <sup>03</sup>~~12~~, 2004

John E. O'Mara

Signature

Joseph E. O'Mara

John  
JEC

State of Kansas )

County of Seadgwick )

Before me personally appeared said <sup>John JEC</sup>~~Joseph~~ E. O'Mara  
and acknowledged the foregoing instrument to be his free act and deed this <sup>12</sup>~~6~~ day of  
March, 2004.

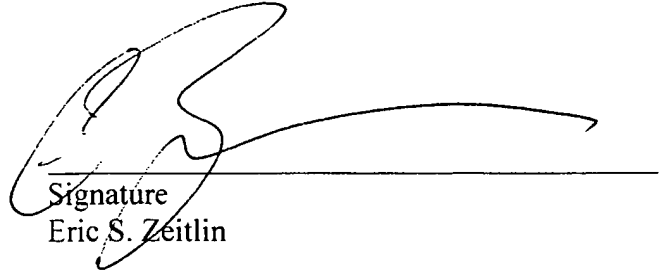


Eric McCarthy  
Notary Public

**ASSIGNMENT OF APPLICATION (Continued)**

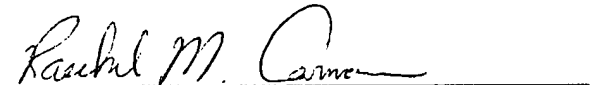
Docket Number: 31184

Executed this 15 day of March, 2004

  
\_\_\_\_\_  
Signature  
Eric S. Zeitlin

State of Colorado )  
                                  )  
County of Boulder )

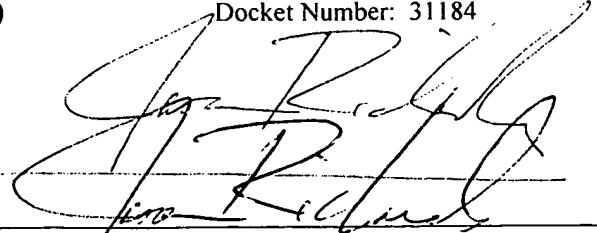
Before me personally appeared said Eric S. Zeitlin  
and acknowledged the foregoing instrument to be his free act and deed this 15 day of  
March, 2004.

  
\_\_\_\_\_  
Notary Public

**ASSIGNMENT OF APPLICATION (Continued)**

Docket Number: 31184

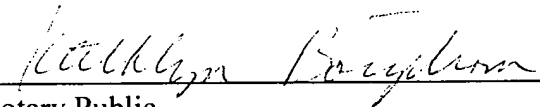
Executed this 17<sup>th</sup> day of March, 2004

  
Signature  
Jason R. Richards

State of WI )  
 )  
County of Washington )

Before me personally appeared said Jason R. Richards  
and acknowledged the foregoing instrument to be his free act and deed this 18<sup>th</sup> day of  
March, 2004.



  
Notary Public